

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CRAIG CUNNINGHAM on behalf of himself and
all others similarly situated,

Plaintiff,

-vs.-

BIG THINK CAPITAL INC.,

Defendant.

Case No. 2:19-cv-00638-ILG-PK

NOTICE OF MOTION TO STAY

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, the undersigned attorneys for Defendant Big Think Capital Inc. (“Big Think”) moves this Court before the Honorable Peggy Kuo, Courtroom 11C South at the United States Courthouse located at 225 Cadman Plaza East, Brooklyn, New York 11021 at a time to be determined by the Court for an Order continuing the stay of this action pending the United States Supreme Court’s recent grant of certiorari in *Facebook, Inc. v. Duguid*, 19-511 (U.S. July 9, 2020) as it relates to this putative class action alleging that Big Think violated the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et. seq.* or granting such additional relief as the Court deems just and proper.

Dated: July 20, 2020

Respectfully submitted,

THOMPSON HINE LLP

By: /s/Mendy Piekarski
Mendy Piekarski
335 Madison Avenue, 12th Floor
New York, New York 10017-4611
Tel. (212) 344-5680
Fax (212) 344-6101
Mendy.Piekarski@thompsonhine.com

*Attorneys for Defendant
Big Think Capital, Inc.*